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Boswell, Helen Varick

Women and prison labor

New York

1913

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PRISON LABOR LEAFLETS

NUMBER TEN

WOMEN AND PRISON LABOR

BY

HELEN VARICK BOSWELL

CHAIRMAN, COMMITTEE ON POLITICAL SCIENCE, GENERAL FEDERATION OF WOMEN'S CLUBS.

(REPRINTED FROM THE ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE, PHILADELPHIA, MARCH, 1913)

NEW YORK

NATIONAL COMMITTEE ON PRISON LABOR

UNIVERSITY HALL, COLUMBIA UNIVERSITY

1913

PRICE TEN CENTS

WOMEN AND PRISON LABOR

By Helen Varick Boswell,[1]
Chairman, Committee on Political Science, General Federation of Women's Clubs.

The biennial convention of the General Federation of Women's Clubs at San Francisco, in June, 1912, unanimously passed the following resolutions which were presented by the industrial and social conditions committee:

Whereas, Club women having discussed throughout the country, under the auspices of the industrial and social conditions committee, the problem of prison labor, and said committee having submitted to careful scrutiny the reports of investigations in this field by the National Committee on Prison Labor and kindred local committees;

Resolved, That the General Federation of Women's Clubs declares itself as opposed to the contract system of prison labor, and to every other system which exploits his labor to the detriment of the prisoner, and that we urge upon the several states the advisability of establishing healthy outdoor work for able convicts, remedial care for the feeble and degenerate, and industrial education for all who have the potentiality for reform.

And we further affirm that the products of convicts' labor should be consumed by the state, and that the profits therefrom, above the just cost of his keep, should be used to support such dependent family as he may have.

These resolutions were not revolutionary, but a natural evolution from the words which Elizabeth Fry penned a century ago in justification of her experiment in introducing work into the prisons of England:

No prison can be considered complete which does not afford the means of hard labor, which properly appertains to a reforming discipline of punishment. Some remuneration for their work, even during their continuance in confinement, will be found to act as a powerful stimulus to a steady and persevering industry. And if in laboring for this remuneration the poor criminal has also gained possession of the habit of industry, and has learned to appreciate the sweets of regular employment, it is more than probable that his temptation may never occur again.[2]

[1] Miss Boswell was also Chairman Industrial and Social Conditions Committee, General Federation of Women's Clubs, 1910–12, and Chairman Woman's Department, National Republican Campaign Committee, 1912.

[2] Elizabeth Fry, *Observations on the Visiting, Superintendence and Government of Female Prisoners*, pp. 48–53.

Labor was thus introduced as a boon, to supply the worker with a few necessities for sustaining himself and those dependent upon him. This reform, which caused the little Quaker woman to be hailed as the greatest philanthropist of her age, developed into a more definite problem as the industrial revolution took place. Change from hand-work to machine-work necessitated supplying both work-houses and penal institutions with new devices, so that the goods might compete in the market. Against the introduction of these machines, labor brought its full force, as part of the larger opposition to the new devices.

In the work-houses the labor movement was successful, not only in forbidding the use of machinery, but in suppressing competing industries. In the prisons the same was true, until the demand of the new industrial system for workmen pointed out to certain capitalists the pecuniary advantage of securing the work of convicts in return for supplying machinery and marketing the product.

In England, France and Germany the conflict was quieted by the limitation of the work of convicts for the most part to enterprises of the state, the construction of ditches and dykes, the building of institutions and the manufacture of state goods. In the American states, prison reformers were so eager in their advocacy of the congregate or solitary systems of housing the convicts and the building of costly model institutions which might be an example for the world, that it became difficult to combat the growing evils of the penal industrial system without placing upon the taxpayer a very much larger responsibility than he would accept.

During this period, the system of contracting the work of prisoners to business enterprises developed and, despite the graft incident to it, paid the state so well that the citizens were seldom taxed for the maintenance of the prisons. The conditions in these industries were often the cause of investigations, and one device after another was employed to calm the wrath of the labor unions, to appease the demands of the prison reformers for more humane treatment of the prisoners, and at the same time, while building the great institutions, to trouble as little as possible the taxpayer. New York State did away with the contractors in its prisons and supplied in 1894 a preferred market for its prison goods in its own institutions and departments. Laws were also passed prohibiting

any person from exposing convict goods for sale without a license and requiring that such goods be marked "Convict Made." A violation of the branding and licensing laws was reported to me, and as chairman of the industrial and child labor committee of the New York State Federation of Women's Clubs, fearing that such violation would tend to interfere with the legitimate occupations of numbers of women, and indirectly force more children into work, I lodged a complaint with the New York State Commissioner of Labor, who assigned an expert of the department to make the investigation.

The findings of this investigation were briefly presented to the New York State Federation at its convention in Rochester by the Commissioner of Labor, who stated:

> That the competition between prison labor products and the products of free labor has been so serious as to result in a forced lowering of wages of free men, and has tended either to drive people on the street or to lower standards of living; that New York State has endeavored to erect safeguards against the baneful effects of this competition by the enactment of branding and licensing laws; but that these laws, the Supreme Court has held unconstitutional on the ground that the branding and licensing impaired the market value of the product and went beyond the powers of the legislature, and that it violated federal and state constitutions.

Furthermore, in his annual report, the Commissioner of Labor urged the establishment of a national committee on prison labor which should undertake to deal scientifically with the problem and to gather the conflicting forces and center them upon a social program. The National Committee on Prison Labor was organized as the result of this recommendation, and it was in cooperation with this committee that the General Federation of Women's Clubs endorsed the bill introduced into the house of representatives "that all goods, wares and merchandise manufactured wholly or in part by convict labor, or in any prison or reformatory, transported into any state or territory or remaining therein for use, consumption, sale or storage, shall, upon arrival and delivery in such state or territory, be subject to the operation and effect of the laws of such state or territory to the same extent and in the same manner as though such goods, wares and merchandise had been manufactured in such state or territory, and shall not be exempt therefrom by reason of being introduced in original packages or otherwise." The

passage of this bill would simply make goods introduced from one state into another subject to the laws of the state into which they came, thus making constitutional such laws as the New York branding and licensing laws.

At the hearing in Washington, in March, 1910, on this bill, with Mrs. J. Ellen Foster, Mrs. Samuel Spencer, Mrs. John Hays Hammond and others interested in women in the industries, I represented the General Federation of Women's Clubs, and drew attention to the disastrous effects upon women's work of the competition of prison workers.

Another phase of the problem presented itself as the result of further investigation—the problem of the prisoner's wife and children. Illustrative of this problem are the following cases:

On the lower East Side of New York City, a woman and four little children under five years of age were found one bitterly cold day last November, in a practically starving condition, without means of heating the room and with only the thinnest of cotton garments. The children were so young that it was impossible for the mother to leave them to go to work, so the little family was entirely dependent on the more or less spasmodic efforts of charity, and it was doubtful whether the home could be kept together until the expiration of the father's sentence, while surely in Sing Sing his sufferings were less keen than those of the wife and children.

Minnesota legislation provides that the managing board of the reformatory may, in the exercise of its discretion, aid the wives and children of the inmates. The managing board has decided, however, that the law does not authorize it to furnish support to dependents living outside the state, thus relieving other jurisdictions from their obligation to support their own poor. Consequently one of the prisoners having an epileptic wife and two children in New Jersey was unable to afford them any support.

Nine prisoners, interviewed at random, in the Michigan state prison all admitted that they were married and had been earning at the time of conviction amounts varying from $1 per day to $2,000 per year, while in prison the highest sum earned was $34 per year; all had children under fourteen years of age. In seven cases the wives were endeavoring to provide for their children, their earnings never exceeding $8 per week and in three cases amounting to only $2. One wife was a cripple and in another case it was stated that the family was dependent on help provided by the Poor Commission.

These are but a few instances, but they show the definite need of working out some plan whereby the prisoner should labor while in prison, and his earnings above the cost of his keep, should go to those who are rightly dependent upon him.

Club women have carried on the agitation in many states. They have interested Vice-President Marshall, who, in his campaign literature, claimed the convict labor reforms as part of his labor record. They have interested Governor Cox, of Ohio, one of whose first official acts was the appointment of a special commission to study certain prison problems; in Maryland, Kentucky, Tennessee, Oregon and Washington, they have been specially active; and they will continue this activity until in all the states of the Union justice has been secured for the free worker, the prisoner and his family.

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New York.

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